

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNILOC USA, INC.; and UNILOC
LUXEMBOURG, S.A.,

Plaintiffs,

v.

APPLE INC.,

Defendant.

No. C 18-00358 WHA

**ORDER DENYING
ADMINISTRATIVE MOTIONS
TO FILE UNDER SEAL**

In connection with the motion for an indicative ruling, both sides filed administrative motions to file under seal (Dkt. Nos. 105, 108).

“Historically, courts have recognized a general right to inspect and copy public records and documents, including judicial records and documents.” Thus, “a strong presumption in favor of access is the starting point.” *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quotations omitted). In considering requests to seal judicial records, courts apply a “compelling reasons” standard to documents attached to dispositive motions and a “good cause” standard to documents attached to non-dispositive motions. *Id.* at 1180–81. Here, because the underlying motion is not dispositive, the good cause standard applies. Good cause requires a “particularized showing” that “specific prejudice or harm will result” if the documents are made public. *Kamakana*, 447 F.3d at 1180; *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1130 (9th Cir. 2003). “[B]road, conclusory allegations of potential harm” are insufficient. *Foltz*, 331 F.3d at 1130–31.

1 Here, plaintiffs have not shown good cause. The supporting declaration simply states
2 that the documents at issue “contain sensitive, confidential and proprietary information related
3 to financial data, contracts, business dealings and business plans with respect to various Uniloc
4 entities and Fortress” and that disclosure would create substantial risk of competitive harm
5 (Dkt. No. 105-2 ¶ 6). This mere conclusory assertion of potential competitive harm hardly
6 amounts to a “particularized showing.” Moreover, as to defendant Apple Inc.’s motion to file
7 under seal pursuant to plaintiffs’ confidentiality designations (Dkt. No. 108), plaintiffs’
8 supporting declaration states that the redacted portions do not contain confidential information
9 and therefore do not require sealing.

10 For the foregoing reasons, the administrative motions are **DENIED**. Plaintiffs have **TWO**
11 **WEEKS** to seek appellate review of this order to obtain redactions, failing which each movant
12 shall file unredacted versions of their documents on the public docket by **FEBRUARY 8 AT**
13 **NOON**.

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15 **IT IS SO ORDERED.**

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17 Dated: January 17, 2019.

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19 WILLIAM ALSUP
20 UNITED STATES DISTRICT JUDGE
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